

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Ana Isabel SANZ MOLINERO Atty. Ref.: 4982-5; Confirmation No. 8027

Appl. No. 10/537,897 TC/A.U. 1638

Filed: June 7, 2005 Examiner: Baum

For: PLANTS HAVING MODIFIED GROWTH CHARACTERISTICS AND A METHOD
FOR MAKING THE SAME

* * * * *

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER 37 C.F.R. §1.132

I, Caroline Hennin, hereby declare and state:

1. I am Senior Counsel Intellectual Property for the Assignee, CROPDESIGN N.V., which has been acquired by BASF and now operates as CropDesign N.V. - A BASF Plant Science Company. I am a European Patent Attorney responsible for prosecution of applications relating to International Application No. PCT/EP2003/051104, including the above-identified application.

2. I have reviewed the U.S. Patent Office Notice to File Corrected Application Papers mailed March 16, 2011 in the above-identified application. I understand that the copy of the above-identified application contained in the U.S. Patent Office Image File

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Appl. No. 10/537,897
HENNIN DECLARATION UNDER 37 C.F.R. §1.132

Wrapper is a copy of the WIPO publication of PCT/EP2003/051104 (i.e., WO2004058980).

3. I have reviewed the WIPO publication of International Application No. PCT/EP2003/051104 (i.e., WO2004058980) as well as the copy of the application contained in our files as having been filed in the European Patent Office, as receiving office, on December 24, 2003.

4. The copy of page 47 of the application in our file as having been originally filed, and specifically Table 9 of page 47 of the originally-filed international application, is complete and presented in landscape layout on the page. It is believed that page 47 was published in WO2004058980 in error, in portrait layout by the International Bureau.

5. The following is a reproduction of page 47 of the application as contained in our office and as originally filed in the European Patent Office, as receiving office, on December 24, 2003:

CD-070-PCT

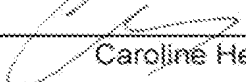
Table 9: examples of 2x.C2H2 chimeric constructs useful for the methods of the present invention. *see Table 10

CDS	Protein number ECMA on which primers were designed to amplify the CDS region	Prost ACC number	SEQ ID NO	PRO00129	PRO00130	PRO00131	PRO00132	PRO00133	PRO00134	PRO00135	PRO00136
CD00136 Protein	202579	CA464425	1 + 2	234096	2311277	2211682	2214869	2216013	2211250	2215840	2211538
CD00137 Protein	202580	CA464426	3 + 20	2211578			2211413	2211840	2211822	2211538	2211538
CD00138 Protein	202581	CA464427	32 + 33	2211578			2211413	2211840	2211822	2211538	2211538
CD00139 Protein	202582	CA464428	34 + 35	2211578			2211413	2211840	2211822	2211538	2211538
CD00140 Protein	202583	CA464429	36 + 37	2211578			2211413	2211840	2211822	2211538	2211538
CD00141 Protein	202584	CA464430	38 + 39	2211578			2211413	2211840	2211822	2211538	2211538
CD00142 Protein	202585	CA464431	40	2211578			2211413	2211840	2211822	2211538	2211538
CD00143 Protein	202586	CA464432	41 + 42	2211578			2211413	2211840	2211822	2211538	2211538
CD00144 Protein	202587	CA464433	43 + 44	2211578			2211413	2211840	2211822	2211538	2211538
CD00145 Protein	202588	CA464434	45 + 46	2211578			2211413	2211840	2211822	2211538	2211538
CD00146 Protein	202589	CA464435	47 + 48	2211578			2211413	2211840	2211822	2211538	2211538
CD00147 Protein	202590	CA464436	49 + 50	2211578			2211413	2211840	2211822	2211538	2211538

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Appl. No. 10/537,897
HENNIN DECLARATION UNDER 37 C.F.R. §1.132

6. In view of the above, I believe that replacement of page 47 of WO2004058980, and the copy of the application contained in the U.S. Patent Office Image File Wrapper, with a copy of the above, originally-filed page 47 from the application filed in the European Patent Office, as receiving office, will not constitute entry of new matter.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and/or imprisonment under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Signed  _____
Caroline Hennin

Date April 14, 2011